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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,789	03/13/2000	Karim Asani	99951.1	6310

7590

07/16/2004

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/523,789

Applicant(s)

ASANI, KARIM

Examiner

Steven R. Wasylchak

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/21/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Prosecution is re-opened; claims 1-12 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Shwartz et al. (US 2001/0044787).

As per claim 1,

A data processing system for executing an e-financial transaction in an account, without disclosing any personal financial information, having at least one customer specified secure parameter, comprising:

-a central controller including a CPU and a memory operatively connected to said CPU; /

fig 1(22,18,10); 0023

-at least one terminal, adapted for communicating with said central controller, by transmitting the secure parameter to said central controller; / fig 2 (all); 0019

-said memory in said central controller containing a program, adapted to be executed by said CPU, for executing e-financial transactions for the secure parameter, wherein the secure parameter is a password or code / 0019, 0020, 0021, 0024, 0131

-wherein said central controller receives the secure parameter from said terminal and executes the e-financial transaction for the account based upon the secure parameter, without requiring access to personal financial, banking, or credit card information./

abstract; 0022, 0076

As per claim 2,

The system according to claim 1, wherein the terminal comprises an input/output device, wherein the terminal is further adapted to transmit customer information to said controller, and said program in said memory executes the financial transaction in the account having the secure parameter based upon the customer information./ abstract; fig 1; 0029

As per claim 3,

The system according to claim 2, wherein the customer information comprises an account identifier that specifies a pre-existing bank account, and said secure parameter comprises a password./ 0019, 0055

As per claim 4,

The system according to claim 1, wherein said program in said memory is adapted to receive a customer acceptance via said terminal to enter into an account having the secure parameter and charge the customer the calculated amount of funds by debiting

the customer's account and transferring the funds to a bank account specified by the customer./ 0043; 0198

As per claim 5,

The system according to claim 2, wherein the input/output device comprises an electronic vault, a microcomputer chip or a smart card./ 0088

As per claim 6,

The system according to claim 3, wherein the password is transferred using an encryption technology./ 0008

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shwartz et al. (US 2001/0044787).

As per claim 7,

A method of executing an e-financial transaction having at least one customer specified secure parameter, such that no personal financial information is disclosed during the transaction, using a central controller including a CPU and a memory operatively connected to a CPU and containing a program adapted to be executed by said CPU for

calculating the amount of funds, and a terminal adapted for communicating with said central controller, the method comprising the steps of:

-transferring a specified amount of funds to the central controller through an electronic fund transfer or cash, receiving an input/output device and a secure password from the central controller, executing the e-financial transaction by inputting the secure password and the I/O device to the central controller via the terminal;/ abstract; fig 1, 0091,0099

Shwartz et al discloses processing a program to execute the e-financial transaction transmitted by the secure password /0110; 0103; 0117; 0204. However, Shwartz does not explicitly disclose the amount of funds having the password security.

Official notice is taken that this feature of the amount of funds having the password security is old and well known in the e-commerce art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of the amount of funds having the password security of for the advantage of efficient and logical encrypting.

-outputting the calculated funds from the controller to a bank account specified by the customer./ fig 1, 8 (68); 0119;0031

As per claim 8,

The method according to claim 7, further comprising the step of inputting customer information to the controller via the terminal, and wherein the step processing the program further comprises calculating the amount of funds based on the customer information./ 0009;0196;0027

As per claim 9,

The method according to claim 7, wherein the step of inputting the customer information further comprises inputting an account identifier that specifies a preexisting bank account./ 0011; 0019;0020

As per claim 10,

A data processing system for executing an e-financial transaction having at least one customer specified secret password, comprising:

- a CPU; /fig 1(48,18,34)

- a memory operatively connected to said CPU, /fig 1(30,54,24,16)

- Shwartz et al discloses said memory containing a program, adapted to be executed by said CPU, for receiving the secret parameter /fig 7(136,140,138); 0033;0040;0051.

However, Shwartz does not explicitly disclose calculating the amount of funds having the secret password. Official notice is taken that this feature of calculating the amount of funds having the secret password is old and well known in the e-commerce art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of calculating the amount of funds having the secret password for the advantage of efficient and logical encrypting.

- input/output device, operatively connected to at least one of said memory and said CPU, for input of the secret password for output of the funds./ fig 3

As per claim 11,

A method of executing an e-financial transaction having at least one customer specified secret password using a CPU and a memory operatively connected to said CPU and

containing a program, adapted to be executed by said CPU, for calculating a price, the method comprising the steps of:

- receiving the secret password; /0019, 0020

- Shwartz et al discloses executing the program in the CPU;/ 0139,0140. However, Shwartz does not explicitly disclose calculating the amount of funds having the secret password. Official notice is taken that this feature of calculating the amount of funds having the secret password is old and well known in the e-commerce art.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of calculating the amount of funds having the secret password for the advantage of efficient and logical encrypting.

- outputting the funds./ 0043

As per claim 12,

Computer executable process steps, stored on a computer readable medium, for executing an e-financial transaction having at least one customer specified secret password, comprising:

- a step to receive the secret password; /abstract; 0131;0140

- Shwartz et al does disclose a step to calculate the amount of funds;/ 0135; 0140.

However, Shwartz does not explicitly disclose having the password linked to the amount of funds. Official notice is taken that this feature of having the password linked to the amount of funds is old and well known in the e-commerce art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of having the password linked to the amount

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of funds for the advantage of efficient and logical encrypting.

-and a step to output the funds./ fig 1; 0139

This action is NON-FINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 8:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

7/12/04



HANI M. KAZIMI
PRIMARY EXAMINER